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11 Attorneys for Plaintiffs,
12 American Home Assurance Company and
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13
14 UNITED STATES DISTRICT COURT
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16 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

17 AMERICAN HOME ASSURANCE
COMPANY, a corporation; and INSURANCE
COMPANY OF THE STATE OF
18 PENNSYLVANIA, a corporation,

19 Plaintiffs,

20 v.

21 SMG STONE COMPANY, INC., a
corporation; J. COLAVIN & SON, INC., a
corporation; WEBCOR CONSTRUCTION
LP, a limited partnership, dba WEBCOR
22 BUILDERS, a corporation, and dba WEBCOR
BUILDERS, a corporation, and dba WEBCOR
CONSTRUCTION, INC., a corporation; and
23 STEADFAST INSURANCE COMPANY, a
corporation,

24 Defendants.

25 Case No. 3:13-cv-04953-VC

26 JOINT STIPULATION AND PROPOSED
ORDER TO EXTEND FILING
DEADLINES AND HEARING DATE FOR
CROSS-MOTIONS FOR SUMMARY
JUDGMENT AND PROPOSED ORDER

27 Current Date: January 22, 2015
Time: 10:00 a.m.
Dept: Courtroom 4, 17th Floor

28 Complaint Filed: October 24, 2013

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 2 Plaintiffs and Counterdefendants American Home Assurance Company (“American Home”)
 3 and Insurance Company of the State of Pennsylvania (“ISOP”), Defendants and Counterclaimants
 4 SMG Stone Company, Inc., J Colavin & Son, Inc., Webcor Construction LP dba Webcor Builders and
 5 dba Webcor Construction, Inc. and Defendant Steadfast Insurance Company (referred collectively as
 6 “Webcor”) (American Home, ISOP and Webcor are jointly referenced as “Parties”) hereby stipulate
 7 and present this Joint Stipulation To Extend Filing Deadlines And Hearing Date For Cross-Motions
 8 For Summary Judgment And Proposed Order from those set forth in the Court’s Minute Order of
 9 October 7, 2014.

10 WHEREAS on October 7, 2014, and in conjunction with the Parties’ Joint Case Management
 11 Statement and comments made by counsel at the Case Management Conference on October 7, 2014,
 12 via Minute Order the Court entered the following applicable deadlines in connection with the Parties’
 13 Cross-Motions for Summary Judgment: (1) Plaintiffs’ Opening Brief due on October 17, 2014; (2)
 14 Defendants’ Opening Brief due on November 7, 2014; (3) Plaintiffs’ Reply Brief/Cross-Motion
 15 Opposition due on November 21, 2014; (4) Defendants’ Reply Brief due on December 5, 2014; and
 16 (5) Cross-Motions hearing date on January 22, 2015 at 10:00 a.m. (See Docket Entry no. 42
 17 [10/7/2014].) Via the same Minute Order, and based on the Parties’ stated preference for mediation
 18 prior to the hearing on the Cross-Motions, the Court referred the case to the Court’s ADR Program to
 19 “take place in December 2014.” (*Id.*);

20 WHEREAS on October 17, 2014, Plaintiffs’ counsel filed their Opening Brief and on
 21 November 7, 2014, Defendants’ counsel filed their Opening Brief as required by the Court’s Minute
 22 Order of December 7, 2014;

23 WHEREAS after the filing of the Parties’ Opening Briefs, counsel for the Parties met and
 24 conferred to develop a modified briefing schedule for the Cross-Motions in order to accommodate
 25 newly-developed scheduling pressures brought about by professional and familial obligations of the
 26 Parties and counsel including, but not limited to, the holiday schedule including Thanksgiving,
 27 Christmas and New Year’s Eve, as follows: (1) December 8, 2014 for the filing of Plaintiffs’ Reply
 28 Brief/Cross-Motion Opposition; and (2) January 8, 2015 for the filing of Defendants’ Reply Brief;

1 WHEREAS counsel for the Parties determine that while the proposed, revised briefing
 2 schedule would accommodate the previously-scheduled January 22, 2014 hearing date under the
 3 Court's Standing Order requiring a minimum of fourteen (14) days between the filing of the last reply
 4 brief and the hearing, it would not accommodate the Court's Minute Order requiring mediation
 5 between the time of the filing of the last reply brief and the hearing on the Cross-Motions, such that
 6 counsel agreed that: (1) the hearing date on the Cross-Motions should be continued from January 22,
 7 2015 to a date after March 16, 2015 which is convenient for the Court; (2) the Court's referral of the
 8 parties to the court's ADR Program for mediation should have a completion deadline which is the
 9 same as the date of the hearing on the Cross-Motions; and (3) the further case management conference
 10 scheduled for February 10, 2015 and the concurrent, updated joint case management statement filing
 11 deadline of February 3, 2015, should be continued to an appropriate date after the hearing on the
 12 Cross-Motions.

13 NOW THEREFORE, the Parties hereby stipulate by their counsel of record that: (1) the
 14 current deadline for the filing of Plaintiffs' Reply Brief/Cross Motion Opposition be continued from
 15 November 21, 2014 to December 8, 2014; (2) the current deadline for the filing of Defendants' Reply
 16 Brief be continued from December 5, 2014 to January 8, 2015; (3) the current hearing date for the
 17 Cross-Motions be continued from January 22, 2015 to a date after March 16, 2015 which is
 18 convenient for the Court; (4) the current deadline for the Parties' participation in mediation in
 19 conjunction with the court's ADR Program be continued from "December, 2014," to the new hearing
 20 date on the parties' Cross-Motions; and (5) the further case management conference scheduled for
 21 February 10, 2015 and the concurrent, updated joint case management statement filing deadline of
 22 February 3, 2015, be continued to appropriate dates after the hearing on the Cross-Motions.

23 IT IS SO STIPULATED

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1 Dated: November 17, 2014

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

4 By: _____ /s/ Patrick Fredette
5 Patrick Fredette
6 Lejf E. Knutson
7 Attorneys for Plaintiffs
8 American Home Assurance Company and
9 Insurance Company of the State of Pennsylvania

10 Dated: November 17, 2014

11 LOMBARDI, LOPER & CONANT, LLP

12 By: _____ /s/ Bruce P. Loper
13 Bruce P. Loper
14 Attorneys for Defendants and Counter-Claimants
15 SMG Stone Company, Inc., J Colavin & Son, Inc.,
16 Webcor Construction LP dba Webcor Builders and
17 dba Webcor Construction, Inc.

18 Dated: November 17, 2014

19 MORALES FIERRO & REVES

20 By: _____ /s/ Christine Fierro
21 Ramior Morales
22 Christine Fierro
23 Attorneys for Defendant
24 Steadfast Insurance Company

1 **[PROPOSED] ORDER OF COURT**

2 AND NOW, this 21st day of November, 2014, upon consideration of the Parties' JOINT
3 STIPULATION TO EXTEND FILING DEADLINES AND HEARING DATE FOR CROSS-
4 MOTIONS FOR SUMMARY JUDGMENT, it is hereby ordered as follows:

5 (1) The current deadline for the filing of Plaintiffs' Reply Brief/Cross Motion
6 Opposition is continued from November 21, 2014 to December 8, 2014;

7 (2) The current deadline for the filing of Defendants' Reply Brief is continued from
8 December 5, 2014 to January 8, 2015;

9 (3) The current hearing date for the Cross-Motions is continued from January 22,
10 2015 to March 26 2015;

11 (4) The deadline for the Parties' participation in mediation in conjunction with the
12 court's ADR Program is continued from December, 2014, to March 26, 2015, the new hearing date on
13 the Parties' Cross-Motions;

14 (5) The date for the further case management conference is continued from February
15 10, 2015 to April 14, 2015, and the Parties shall be required to file an updated joint case
16 management statement seven (7) days prior to the date of the further case management conference.
17 Counsel for the Parties may attend by telephone upon notice to the Court no less than twenty-four
18 hours prior to the further status conference.

19 IT IS SO ORDERED:
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21 _____
22 Hon. Vince Chhabria, Judge

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF FRESNO

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Fresno, State of California. My business address is 7647 North Fresno Street, Fresno, CA 93720.

On November 14, 2014, I served true copies of the following document(s) described as **JOINT STIPULATION TO EXTEND FILING DEADLINES AND HEARING DATE FOR CROSS-MOTIONS FOR SUMMARY JUDGMENT AND PROPOSED ORDER** on the interested parties in this action as follows:

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13 Counsel for Plaintiffs, AMERICAN HOME
ASSURANCE and INSURANCE COMPANY
14 OF THE STATE OF PENNSYLVANIA

Counsel for Defendants, SMG STONE COMPANY, INC., J. COLAVIN & SON, INC. and WEBCOR CONSTRUCTION LP

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16 Christine Marie Fierro
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20 Counsel for Defendant, STEADFAST
21 INSURANCE COMPANY

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

25 I declare under penalty of perjury under the laws of the United States of America that the
foregoing is true and correct and that I am employed in the office of a member of the bar of this Court
26 at whose direction the service was made.

1 Executed on November 14, 2014, at Fresno, California.

2 *Christina Torres*
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4 Christina Torres
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